

United States District Court
for the Western District of Texas

San Antonio Division

FILED

2006 FEB 27 AM 8:32

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY [Signature]
DEPUTY CLERK

Gussie Lee Williams
George Williams

(Name of plaintiff or plaintiffs)

vs.

Civil Action Number:

SA06CA0184XR
(Case Number to be supplied
by the Intake Clerk)

Department of The Army
Dr. Erin Doe, M.D.

Dr. Reed
(Name of defendant or defendants)

Wilford Hall Medical, Dr.
Lackland Air Force Base
SAN ANTONIO, TX 78231

COMPLAINT

1. This action is brought by Gussie Lee Williams, Plaintiff, pursuant to the following selected jurisdiction:

(Please select the applicable jurisdiction)

- ☐ Title VII of the Civil Rights Act of 1964 (42 USC §§ 2000e et seq.) Employment Discrimination on the basis of race, color, sex (gender, pregnancy and sexual harassment), religion or national origin.
- ☐ The Age Discrimination in Employment Act (29 USC §§ 621 et seq.) (ADEA).
- ☒ The Americans With Disabilities Act (42 USC §§ 12102 et seq.) (ADA).
- ☐ The Equal Pay Act (29 USC § 206(d)) (EPA).
- ☐ The Rehabilitation Act of 1973 (29 USC § 791 et seq.) (Applicable to federal employees only).

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2. Defendant Department Of The Army Defendant's name) lives at, or its business is located at 3851 Roger Brooke Drive (street address), Ft San Houston (city), Texas (state), 78234-6200 (zip).
- 3a. Plaintiff sought employment from the defendant or was employed by the defendant at _____ (street address), _____ (city), _____ (state), _____ (zip).
- 3b. At all relevant times of claim of discrimination, Defendant employed _____ (#) employees. If defendant is a union, at all relevant times of claim of discrimination, Defendant had _____ (#) members.
4. Defendant discriminated against plaintiff in the manner indicated in paragraph 8 of this complaint on or about _____ (month) _____ (day) _____ (year). If incidents of discrimination occurred more than one day, please indicate the beginning and ending dates of such acts: _____
_____.
5. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission (E.E.O.C.) charging defendant with the acts of discrimination indicated in paragraph 7 of this complaint on or about _____ (month) _____ (day) _____ (year). (Not applicable to federal civil service employees).
- 6a. The E.E.O.C. issued a **Notice of Right to Sue** which was received by plaintiff on _____ (month) _____ (day) _____ (year). (Not applicable to ADEA and EPA claims or federal civil service employees).

VERY IMPORTANT NOTE:

PLEASE ATTACH A COPY OF YOUR NOTICE OF RIGHT TO SUE AND THE ENVELOPE IN WHICH IT WAS RECEIVED TO THIS COMPLAINT.

- 6b. Please indicate below if the E.E.O.C issued a **Determination** in your case:

☐ Yes
☒ No

VERY IMPORTANT NOTE:

IF YOU CHECKED "YES", PLEASE ATTACH A COPY OF THE E.E.O.C.'S DETERMINATION TO THIS COMPLAINT.

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7. Because of plaintiff's:

(Please select the applicable allegation(s))

- ☐ Race (If applicable, state race) _____
- ☐ Color (If applicable, state color) _____
- ☐ Sex (gender, pregnancy or sexual harassment) (If applicable, state sex and claim) _____
- ☐ Religion (If applicable, state religion) _____
- ☐ National Origin (If applicable, state national origin) _____
- ☐ Age (If applicable, state date of birth) _____
- ☒ Disability (If applicable, state disability) Blind in left eye
- ☐ Prior complaint of discrimination or opposition to acts of discrimination.
(Retaliation) (If applicable, explain events of retaliation) _____

The defendant: (please select all that apply)

- ☐ failed to employ plaintiff.
- ☐ terminated plaintiff's employment.
- ☐ failed to promote plaintiff.
- ☐ harassed plaintiff.
- ☒ other (specify) negligent in medical procedure to
remove cataract
- _____
- _____
- _____
- _____

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- 8a. State **specifically** the circumstances under which defendant, its agent, or employees discriminated against plaintiff **PERSONALLY**:

VERY IMPORTANT NOTE: INCLUDE SPECIFIC DATES, SPECIFIC EVENTS, AND ANY SPECIFIC COMMENTS MADE BY DEFENDANT PERTAINING TO THE DISCRIMINATION CLAIM ALLEGED ABOVE.

- 8b. List any **witnesses** who would testify for plaintiff to support plaintiff's allegations and the substance of their testimony:

George Williams, Vanessa Landey, Jacqueline Blake, Edwina Fanner, Viola Fields, Reverend Hays

- 8c. List any **documentation** that would support plaintiff's allegations and explain what the documents will prove:

Medical Records; they will to some degree show Mistakes/negligence.

9. The above acts or omissions set forth in paragraphs 7 and 8 are:

- ☐ still being committed by defendant.
☐ no longer being committed by defendant.

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10. Plaintiff should attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission. This charge is submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief to the plaintiff:

- ☐ Defendant be directed to employ plaintiff.
- ☐ Defendant be directed to re-employ plaintiff.
- ☐ Defendant be directed to promote plaintiff.

- ☒ Defendant be directed to compensate for personal injuries
that resulted in permanent loss of eye sight in
plaintiff's left eye. The plaintiffs are asking for
damages in the amount of \$2,500,000.00

_____ and that the Court grant
such other relief as may be appropriate, including injunctive orders, damages, costs and
attorney's fees.

I declare (or certify, verify, or state) under
penalty or perjury that the foregoing is true
and correct.

Feb. 27, 2006
Date

Lusie La Williams
Signature of Plaintiff

3519 Willow Wood
Address of Plaintiff

San Antonio, Texas 78219
City State Zip Code

(512) 225-1589
Telephone Number(s)

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Gussie Lee Williams

George Williams

Plaintiff(s)

v.

CASE NUMBER: _____

Department Of The Army

Wilford Hall Medical Center

Dr. Erin Doe M.D.

Dr. Reed M.D.

Defendant(s)

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Plaintiff(s)

Gussie Lee Williams
3519 WillowWood
San Antonio, Texas 78219

George Williams
3519 WillowWood
San Antonio, Texas 78219

Defendant(s)

Department of the Army
Brooke Army Medical Center
3851 Roger Brooke Drive
Fort Sam Houston, Texas 78234-6200

Wilford Hall Medical Center
Lackland Airforce Base
San Antonio, Texas 78236

Dr. Erin Doe M. D.
3851 Roger Brooke Drive
Fort Sam Houston, Texas 78234-6200

Dr. Reed, M.D.
Lackland, Airforce Base
San Antonio, Texas 78236

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1. I Gussie Lee Williams plead with the Court to have jurisdiction in this case in Bexar County the State of Texas.

2. The following allegations are as follows:

2a. I Gussie Lee Williams, a ^{71YW}70 year old female had a history of bilateral glaucoma. On November 19, 2002 I underwent cataract surgery at Brooke Army Medical Center. During cataract surgery the ophthalmologic surgeon Dr. Erin Doe negligently shattered the lens of my right eye. After admitting his mistake I was transferred to Wilford Hall Medical Center for repair of the surgical misadventure.

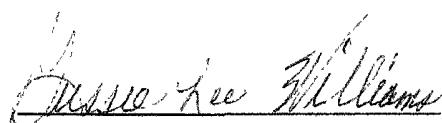
2b. Dr. Reed at Wilford Hall Medical Center removed the shattered lens and then informed me that my retina had been injured and that a fragment of the lens remained in my eye.

2c. I underwent multiple follow up surgeries to correct the injury that I had sustained at Brooke Army Medical Center on November 19, 2002.

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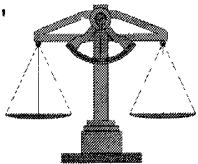
3. I also believed that my rights were violated on two occasions when the doctors neglected to tell me prior to the first two surgeries the possibilities that one, the lens could be dropped and secondly that my retina could be damaged. With this prior information I mostly likely would have reconsidered having this "simple" surgery as Dr. Doe put it.

As a result of the negligence of the Brooke Army Medical Center, and Wilford Hall Medical Center ophthalmologists, I have sustained a permanent, painful disfiguring injury and impaired vision in my left eye. I plead with the court to have restitution paid in the amount of \$2,500,000.00



Signature

Gussie Lee Williams
3519 WillowWood
San Antonio, Texas 78219
(512) 225-1589



Law Offices of

JEFFREY C. ANDERSON

A Sole Proprietorship

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Texas Board of Legal Specialization

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National Board of Trial Advocacy

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of Trial Advocates

September 13, 2005

CM/RRR NO. 7004 2510 0004 5543 0828

George and Gussie Williams
3519 Willow Wood Blvd.
San Antonio, Texas 78219

Re: Your Federal Tort Claim

Dear Mr. and Mrs. Williams:

The government has denied your Federal Tort Claim regarding the healthcare you received at Brooke Army Medical Center. I am enclosing, for your review and records, a copy of the letter of denial. As stated in the enclosed letter, a lawsuit must be filed prior to the expiration of six months from the date of the letter. Accordingly, you must file a lawsuit on or before **March 8, 2006**.

Since I have been unable to retain expert testimony regarding the medical care you received at the Brooke Army Medical Center, I must, reluctantly, advise you that I cannot assume the responsibility to represent you further in the pursuit of this claim. I make no comment on the merit of your potential claim but, rather, my decision is based upon my inability to retain a medical expert.

For your information, in order to succeed in a medical malpractice case, a medical consultant must be critical of the care of which you are complaining. I have not been able to ascertain such a commitment in your case.

Another factor that played apart of my decision in declining to represent you in further in regard to your claim, is a change in the law that became effective for potential claims, such as yours, filed after September 1, 2003. The Republican governor signed legislation passed by the Republican legislature which has made your potential claim and similar ones, not procedurally and economically feasible to pursue. In effect, your rights to have your losses reviewed and evaluated in court have been severely limited by this recent ill-conceived legislation.

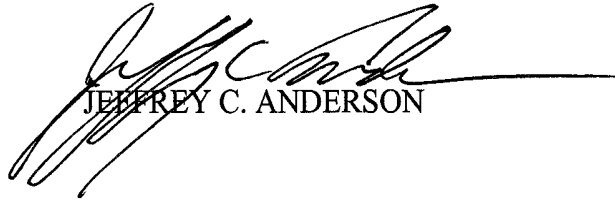
If you wish to proceed with this claim, it is your responsibility to take legal action prior to **March 8, 2006** or you will be forever barred from doing so thereafter. **I, therefore, urge that you immediately consult with other legal counsel of your choice to obtain their best opinion regarding the preservation of your legal rights.**

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I am enclosing your medical records.

Thank you for affording me the opportunity to review this matter. I regret I am unable to assist you further.

Yours truly,



JEFFREY C. ANDERSON

Enclosure